

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. S1-4:14CR0311 CEJ (DDN)
)
CRISTOPHER M. CRISTEA,)
)
Defendant.)

GOVERNMENT'S RESPONSE TO DEFENDANT
CRISTOPHER M. CRISTEA'S REQUEST FOR DISCOVERY

Comes now the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Steven A. Muchnick, Assistant United States Attorney for said District, and for the Government's Response to Defendant Christopher M. Cristea's Request for Discovery, states as follows:

1. The government does not have any written or recorded statements made by the defendant.
2. The government has produced a copy of the On-The-Record Statement of defendant David Corey Tolle to the Office of Missouri Secretary of State, Securities Division, on August 12, 2012.
- 3&1. The government has produced a copy of the On-The-Record Statement of defendant Christopher M. Cristea to the Office of Missouri Secretary of State, Securities Division, on May 10, 2012.
4. Defendant did not testify before the grand jury relating to the offenses charged.
5. The government will provide defendant with a written summary of testimony the

government intends to use under Rule 702, 703 or 705 of the Federal Rules of Evidence during its case-in-chief at trial. This summary will include the witnesses' opinions, the bases and the reasons therefor, and the qualifications of the witnesses. The government will provide this information reasonably in advance of trial.

6. The government will provide any books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, and which are material to the preparation of defendant's defense, are intended for use by the government as evidence in its case-in-chief at trial, or which were obtained from or belong to defendant.

7. The government will provide the results or reports of any physical or mental examinations or of scientific tests or experiments, if any, or copies thereof, which are within the possession, custody or control of the government, and which are material to the preparation of the defense, or are intended for use by the government as evidence in its case-in-chief at trial.

8, 9, and 11. The government is aware of its obligations under Brady v. Maryland, 373 U.S. 83 (1963), and will comply therewith. The government agrees to provide defendant in advance of trial, a copy of the criminal records, if any, of its witnesses. The government also agrees to provide defendant in advance of trial any promises or agreements between the government and its witnesses, if any. The government will provide a copy of defendant's criminal record.

10. Defendant's co-defendant, David Corey Tolle, has not agreed to plead guilty.

12. The government did not use any confidential informants in this case.

13. Defendant was not identified by any persons in a lineup, show up, photo spread, or similar identification proceeding.

14. The government will advise the case agent assigned to this matter to preserve any existing notes.

15. The government will, in accordance with Rule 404(b), provide reasonable notice in advance of trial of the general nature of any such evidence it intends to introduce at trial.

16. The government has obtained a transcript of all grand jury testimony and will produce the transcript of the grand jury testimony of any witness whom it intends to call at trial, on or before the Friday before trial, in accordance with 18 U.S.C. §3500.

17. The indictment in the instant case does not refer to any contraband.

18. The indictment does not allege that any vehicle, vessel, or aircraft was allegedly used in the commission of the offenses charged in the indictment.

19. The government does not intend to introduce any fingerprint evidence in this case.

20. The government does not intend at this time to use any handwriting exemplars in the trial of this case. In the event that the government would decide to use handwriting exemplars in the trial of this case, it will provide a copy of those exemplars to counsel for defendant.

21. The government did not seize any things, objects, books or records in this case.

Respectfully submitted,

RICHARD G. CALLAHAN
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s/Steven A. Muchnick
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CERTIFICATE OF SERVICE

I hereby certify that on September 28, 2015, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:

John P. Rogers
Lenny Kagan

s/ Steven A. Muchnick
STEVEN A. MUCHNICK - 27597MO
Assistant United States Attorney